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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,762	11/27/2001	Shinsuke Takahashi	Q67342	7568

7590 10/11/2002
SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

COHEN, AMY R

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 10/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,762

Applicant(s)

TAKAHASHI, SHINSUKE

Examiner

Amy R Coh n

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Priority to a foreign application must be stated at the beginning of the application.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Leckey et al. (U. S. Patent No. 3,427,723).

Leckey et al. teaches a peripheral surface shape measuring apparatus (Figs. 6 and 7) of a roll-like object which measures a peripheral surface shape of a roll-like object, comprising: a displacement amount measuring device (Figs. 6 and 7) which has a pinching device (60) which pinches the roll-like object in a diameter direction of the roll-like object with a sensor part (86) and a reference point part (84) arranged opposite each other, and which measures a displacement amount when the sensor part is relatively displaced in the diameter direction with respect to the reference point part (Col 6, lines 21-40); and a moving device (90, 92, and 94) which moves the displacement amount measuring device from one end side of the roll-like object to another end side of the roll-like object in an axial direction of the roll-like object (Col 6, lines 45-55),

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wherein the peripheral surface shape of the roll-like object is measured on the basis of the displacement amount of the sensor part accompanied by movement of the displacement amount measuring device (Col 6, lines 56-75).

Leckey et al. teaches the peripheral surface shape measuring apparatus of a roll-like object comprising a guiding device (64, 90, 92, and 94) which makes is easy for the displacement amount measuring device to move in parallel to a central axis of the roll-like object (Col 5, line 68-Col 6, line 11).

Leckey et al. teaches the peripheral surface shape measuring apparatus of a roll-like object wherein the sensor part and the reference point part are shaped like bars which are perpendicular to an axial direct of the roll-like object and are in parallel to each other (Fig. 7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leckey et al. in view of Helgren (U. S. Patent No. 5,551,906).

Leckey et al. discloses a peripheral surface shape measuring apparatus of a roll-like object as described above in paragraph 3 and that contact positions to the roll peripheral surface of the sensor part and the reference point part which pinch the roll-like object are positionable

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with respect to the diameter direction in a plane perpendicular to the diameter direction (Col 6, lines 12-44).

Leckey et al. does not disclose an apparatus wherein the contact positions are within +/- 5 mm with respect to the diameter direction.

Helgren discloses a peripheral surface shape measuring apparatus (Fig. 1) of a roll-like object wherein the contact positions are within +/- 5 mm with respect to the diameter direction in a plane perpendicular to the diameter direction (Col 5, line 65-Col 6, line 2).

It would have been obvious to one of ordinary skill in the art at the invention was made to modify the peripheral surface shape measuring apparatus of a roll-like object of Leckey et al. to include the ability to set the contact positions within +/- 5 mm with respect to the diameter direction, as taught by Helgren, to ensure accurate measuring by the sensor because the apparatus would be set within a small range of the expected value of the diameter of the roll-like object.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and application discloses devices for measuring the diameter of a roll-like object Mellander (US PG Pub No. 2002/0050069), Chien (U. S. Patent No. 5,337,485), Betsill et al. (U. S. Patent No. 5,088,207), Corallo et al. (U. S. Patent No. 4,807,400), Balogh et al. (U. S. Patent No. 4,389,788), and Hold (U. S. Patent No. 3,169,323).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (703) 305-4972. The examiner can normally be reached on 8 am - 5 pm, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

ARC
October 9, 2002



Diego Gutierrez
Supervisory Examiner
Tech Center 2800